

for rulemaking to permit a channel swap is a variant of the pendency of an assignment application argument, a gambit which the Commission has firmly rejected.

WHEREFORE, KKTU, Inc. respectfully moves the Commission to deny the University of Southern Colorado's Application for Extension of Construction Permit, or, in the alternative, to grant KKTU's Motion for Order to Show Cause.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'James L. Winston', is written over a horizontal line.

James L. Winston
Walter E. Diercks
RUBIN, WINSTON, DIERCKS,
HARRIS & COOKE
Suite 412
1730 M Street, N.W.
Washington, D.C. 20036
202/861-0870

Counsel for KKTU, Inc.

Dated: March 2, 1993

CERTIFICATE OF SERVICE

I, Zilpha S. Owens, a secretary in the law firm of Rubin, Winston, Diercks, Harris & Cooke, do hereby certify that a copy of the foregoing "PETITION TO DENY APPLICATION FOR EXTENSION OF CONSTRUCTION PERMIT AND SUPPLEMENT TO PETITION FOR ISSUANCE OF ORDER TO SHOW CAUSE WHY CONSTRUCTION PERMIT SHOULD NOT BE REVOKED" was served this 2nd day of March, 1993 by first-class postage to the following:

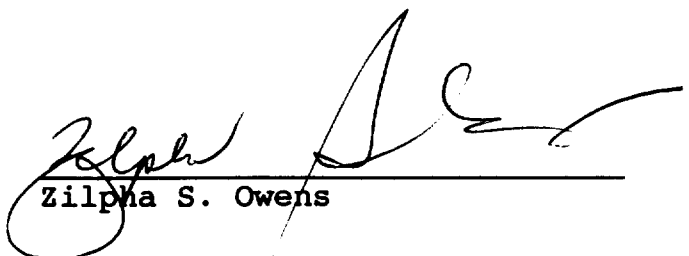
Barbara Kreisman
Chief, Video Services Division
Mass Media Bureau
Federal Communications Commission
Room 702
1919 M Street, N.W.
Washington, D.C. 20554

Stanley S. Neustadt, Esquire
Wayne Coy, Esquire
Cohn and Marks
Suite 600
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036
Counsel for University of Southern
Colorado

Kevin F. Reed, Esquire
Dow, Lohnes & Albertson
Suite 500
1255 23rd Street, N.W.
Washington, D.C. 20037-1194
Counsel for Sangre de Cristo
Communications, Inc.

Richard Hildreth, Esquire
Kathleen Victory, Esquire
Fletcher, Heald & Hildreth
1225 Connecticut Ave. N.W.
Suite 400
Washington, D.C. 20036
Counsel for Pikes Peak
Broadcasting Company

Jonathan D. Bake
William H. Fitz
Covington & Burling
1201 Pennsylvania Avenue
N.W., P.O. Box 7566
Washington, D.C. 20044
Counsel for Association
of Maximum Service
Telecaster, Inc.


Zilpha S. Owens

RUBIN, WINSTON, DIERCKS, HARRIS & COOKE

ATTORNEYS AT LAW
1730 M STREET, N.W.
SUITE 412
WASHINGTON, D.C. 20036
(202) 861-0870
FAX: (202) 429-0657

Mar 22 '93

March 22, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Stop Code 1170
Washington, D.C. 20554

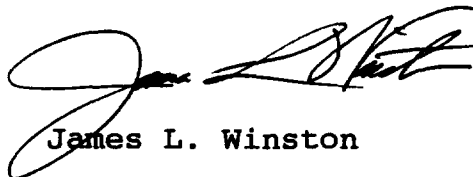
Re: **University of Southern Colorado, Application
for Extension of Construction Permit
File No. BPET-900122KE**

Dear Ms. Searcy:

Enclosed herewith on behalf of KKTU, Inc. are an original and four copies of its **REPLY OF KKTU, INC. TO JOINT OPPOSITION TO PETITION TO DENY APPLICATION OF EXTENSION OF CONSTRUCTION PERMIT AND SUPPLEMENT TO PETITION FOR ISSUANCE OF ORDER TO SHOW CAUSE WHY CONSTRUCTION PERMIT SHOULD NOT BE REVOKED** in the above-captioned matter.

Please contact the undersigned if you have any questions concerning this matter.

Very truly yours,



James L. Winston

Enclosure

cc: Barbara Kreisman
Stanley Neustadt, Esq.
Kevin F. Reed, Esq.
Richard Hildreth, Esq.
Jonathan D. Blake, Esq.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Application of)	
)	
University of Southern Colorado,)	File No. BPET-900122KE
Licensee of Station KTSC(TV),)	
Channel *8)	
Pueblo, Colorado)	

To: Chief, Mass Media Bureau

**REPLY OF KKTU, INC. TO JOINT OPPOSITION TO PETITION
TO DENY APPLICATION OF EXTENSION OF CONSTRUCTION PERMIT
AND SUPPLEMENT TO PETITION FOR ISSUANCE OF ORDER TO
SHOW CAUSE WHY CONSTRUCTION PERMIT SHOULD NOT BE REVOKED**

KKTU, Inc., by its undersigned counsel and pursuant to Section 1.45 of the Commission's Rules, replies to the Joint Opposition (the "Joint Opposition") of the University of Southern Colorado (the "University") and Sangre de Cristo Communications, Inc. ("KOAA") to KKTU's Petition to Deny Application for Extension of Construction Permit and Supplement to Petition for Issuance of Order to Show Cause Why Construction Permit Should Not Be Revoked (the "Petition"), stating as follows:

1. On February 16, 1993, the University filed an application for extension of the construction permit for its short-spaced facilities on Cheyenne Mountain, just twelve days before the construction permit was scheduled to expire. On March 2, 1993, KKTU filed the Petition.

2. The Joint Opposition spends two of its nine pages com-

plaining that the Petition is not authorized by the Commission's Rules and that KKTv has no standing. Joint Opposition at 3 to 5. In doing so, the Joint Opposition ignores the fact that the Commission has the power to consider the Petition to be an informal objection. See, e.g., FBC Incorporated, 3 FCC Rcd 4595 (Mass Media Bureau 1988). The Joint Opposition's complaint about KKTv's standing is also ironic, since KOAA, which is not the permittee of the construction permit at issue, itself is a party to the Joint Opposition. The Petition also alternatively requested consideration as a supplement to KKTv's December 4, 1992 Petition for Order to Show Cause. This is a second basis supporting KKTv's standing to file the pleading at issue. Thus, the Joint Opposition's complaints about the Petition being unauthorized and about KKTv's standing are just a transparent effort to prevent consideration of the merits of KKTv's Petition.

3. The Joint Opposition then claims that the Commission was not serious when it drafted Section 53.3534(a) of its Rules to require that requests for extensions of construction permits be filed at least 30 days before expiration, unless the permittee can make a showing of sufficient reasons for filing within less than 30 days prior to expiration. Joint Opposition at 5-6. However, the mere fact that the 30 days in advance requirement can be waived is not authority for the proposition being put forth by the Joint Opposition that the Rule's requirement of a showing of sufficient reasons for a tardy filing is somehow optional.

4. While a waiver of the filing deadline upon a showing of sufficient reasons for a late filing is expressly contemplated by Section 53.3534(a), there is no basis for the conclusion that the filing requirements of the Rule can be entirely ignored. Yet, that is exactly what the Joint Petition urges be done. Since the University and KOAA have not even attempted to comply with Section 53.3534(a), the University's application for the extension of the construction permit should be denied.

5. The Joint Opposition also claims that Commission precedent supports its contention that the pending proposed channel swap in and of itself is a sufficient reason for granting an extension of its construction permit. The sole authority for this proposition is the Commission's 1981 decision in Nora Blatch Educational Communications Foundation, Inc., 50 RR2d 362, 364 (1981).

6. The problem with the Joint Opposition's argument in this regard is that the Commission in 1985 -- some four years after the Nora Blatch decision -- promulgated stricter standards for the granting of extensions of construction permits. Construction of Broadcast Stations, 102 FCC2d 1054 (1985). In 1985, the Commission specifically deleted that portion of Section 73.3534 of the Rules that permitted grants of extension applications upon a showing of "other matters," such as the pendency of an assignment application and the assignee's ability to quickly construct the station. Community Service Telecasters, Inc., 6 FCC Rcd 6026, 69 RR2d 1608, 1612 (1991).

has limited extensions of construction permits to those narrow circumstances enumerated in Section 53.3534(b):

- a. construction is complete and testing is underway looking toward prompt filing of a license application;
- b. substantial progress has been made, i.e., equipment is on order or on hand, the site has been acquired, the site has been cleared and construction is proceeding toward completion; or
- c. no progress has been made for reasons clearly beyond the control of the permittee (such as delays caused by governmental budgetary pressure and zoning problems) but the permittee has taken all possible steps to expeditiously resolve the problem and proceed with construction.

Thus, the Commission's 1985 action in revising and limiting Section 53.3534 has completely undermined any attempt by the University and KOAA to rely on the Nora Blatch decision to support an extension of the University's short-spaced construction permit due to the pendency of a proposed channel swap.

8. The Joint Opposition then claims that the University is entitled to an extension of the construction permit because construction has not commenced for reasons beyond the control of the University: the pendency of the channel swap proposal combined with the time it will take to implement changes to transmission facilities once the swap is approved.¹ Joint Opposition at 7 to 8.

¹ It is interesting to note that the Joint Opposition now seeks to distance the University and KOAA from the statement in their earlier Joint Consolidated Opposition to Petitions for Issuance of Order to Show Cause that "budgetary constraints" have "...made KTSC's relocation a more challenging endeavor for the University." Joint Consolidated Opposition at 20. The Joint Opposition now denies that financial considerations have caused the
(continued...)

9. In the first instance, the construction permit at issue was granted by the Commission on February 28, 1991. The channel swap was not proposed until September 8, 1992 -- over 18 months after the construction permit was granted. The only effort the University claims that it has made to construct the station is to prosecute an application for an NTIA Public Telecommunications Program Grant (issued in September 1991) and to enter into negotiations with regard to the transmitter site on Cheyenne Mountain. Joint Opposition at 9. This is clearly not a showing that the delay in construction has been beyond the University's control or that the University has taken all possible steps to expeditiously resolve the problem and proceed with construction. In fact, the Joint Opposition clearly shows that the University simply has failed to take all possible steps to get the facilities covered by the construction permit built.

10. The instant request for an extension of a construction permit really is no different than any other situation where a permittee has failed to vigorously pursue construction and then seeks to use a proposed assignment of the construction permit as a justification for the extension of the construction permit. The Commission has made it clear that it simply will not accept a

¹(...continued)
delay in construction. While this denial flies in the face of the clear statement made in the Joint Consolidated Opposition, the Commission should note the Joint Opposition's concession that the University is not seeking to use financial problems to justify an extension of the construction permit.

proposed assignment of a construction permit as a justification for extension of the construction permit. Construction of Broadcast Stations, supra, Community Service Telecasters, Inc., 69 RR2d at 1612; Community Telecasters of Cleveland, Inc., 58 FCC2d 1296, 36 RR2d 1609 (1976).

11. Finally, the Joint Opposition chides KKTU for failing to demonstrate that the extension of the construction permit is not warranted. Joint Opposition at 9. This has inverted the burden of proof established by the Commission. Under Section 53.3534 of the Commission's Rules, the University has the burden of demonstrating that the extension of the construction permit is warranted. Given the admissions in the Joint Opposition, the only way the University can do so is by demonstrating that the facilities have not been built due to circumstances beyond the University's control and that the University has taken all possible steps to expeditiously resolve the problems and proceed with construction. The University simply has failed to meet this burden of proof.

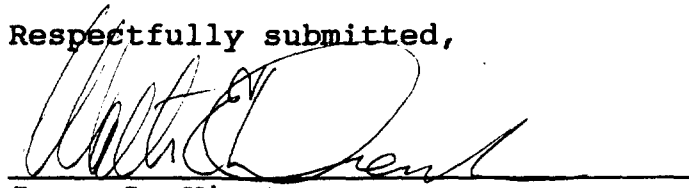
12. Under the facts present in the instant case, the only way that the University's construction permit can be extended is by ignoring the plain meaning of Section 53.3435 of the Commission's Rules and the unequivocal Commission precedent. Such a course of action would be ill-advised and would require action by the Commission itself.

13. Under the circumstances presented in the University's application, the only sound course is to deny the application for

application, the only sound course is to deny the application for extension of construction permit because the permittee has failed to demonstrate that the application meets the stringent criteria of Section 53.3435 of the Commission's Rules.

WHEREFORE, KKTU, Inc. respectfully moves the Commission to deny the University of Southern Colorado's Application for Extension of Construction Permit, or in the alternative, to grant KKTU's Motion for Order to Show Cause.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "James L. Winston", is written over a horizontal line.

James L. Winston
Walter E. Diercks
RUBIN, WINSTON, DIERCKS,
HARRIS & COOKE
Suite 412
1730 M Street, N.W.
Washington, D.C. 20036
202/861-0870

Dated: March 22, 1993

CERTIFICATE OF SERVICE

I, Zilpha S. Owens, a secretary in the law firm of Rubin, Winston, Diercks, Harris & Cooke, do hereby certify that a copy of the foregoing "REPLY OF KKTU, INC. TO JOINT OPPOSITION TO PETITION TO DENY APPLICATION OF EXTENSION OF CONSTRUCTION PERMIT AND SUPPLEMENT TO PETITION FOR ISSUANCE OF ORDER TO SHOW CAUSE WHY CONSTRUCTION PERMIT SHOULD NOT BE REVOKED" was served this 22nd day of March, 1993 by first-class postage to the following:

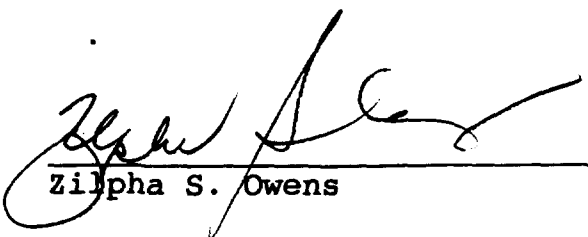
Barbara Kreisman
Chief, Video Services Division
Mass Media Bureau
Federal Communications Commission
Room 702
1919 M Street, N.W.
Washington, D.C. 20554

Stanley S. Neustadt, Esquire
Wayne Coy, Esquire
Cohn and Marks
Suite 600
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036
Counsel for University of Southern
Colorado

Kevin F. Reed, Esquire
Dow, Lohnes & Albertson
Suite 500
1255 23rd Street, N.W.
Washington, D.C. 20037-1194
Counsel for Sangre de Cristo
Communications, Inc.

Richard Hildreth, Esquire
Kathleen Victory, Esquire
Fletcher, Heald & Hildreth
1300 North 17th Street
11th Floor
Roslyn, Virginia 22209
Counsel for Pikes Peak
Broadcasting Company

Jonathan D. Bake
William H. Fitz
Covington & Burling
1201 Pennsylvania Avenue
N.W., P.O. Box 7566
Washington, D.C. 20044
Counsel for Association
of Maximum Service
Telecaster, Inc.


Zilpha S. Owens

RUBIN, WINSTON, DIERCKS, HARRIS & COOKE

ATTORNEYS AT LAW
1730 M STREET, N.W.
SUITE 412
WASHINGTON, D.C. 20036
(202) 861-0870
FAX: (202) 429-0657

April 6, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Stop Code 1170
Washington, D.C. 20554

Re: University of Southern Colorado, Application
for Extension of Construction Permit
File No. BPET-900122KE, BMET-930216KE

Dear Ms. Searcy:

Enclosed herewith on behalf of KKTU, Inc. are an original and four copies of its SUPPLEMENT OF KKTU, INC. TO PETITION TO DENY APPLICATION OF THE UNIVERSITY OF SOUTHERN COLORADO FOR EXTENSION OF CONSTRUCTION PERMIT AND SUPPLEMENT TO PETITION FOR ISSUANCE OF ORDER TO SHOW CAUSE WHY CONSTRUCTION PERMIT SHOULD NOT BE REVOKED in the above-captioned matter.

Please contact the undersigned if you have any questions concerning this matter.

Very truly yours,



Walter E. Diercks

WED:zso

Enclosure

cc: Barbara Kreisman
Stanley Neustadt, Esq.
Kevin F. Reed, Esq.
Richard Hildreth, Esq.
Jonathan D. Blake, Esq.

301 f
RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APR 6 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of)	File No. BMET-930216KE
)	
University of Southern Colorado,)	File No. BPET-900122KE
Licensee of Station KTSC(TV),)	
Channel *8)	
Pueblo, Colorado)	

To: Chief, Mass Media Bureau

**SUPPLEMENT OF KKTV, INC. TO PETITION TO DENY APPLICATION OF THE
UNIVERSITY OF SOUTHERN COLORADO FOR EXTENSION OF CONSTRUCTION
PERMIT AND SUPPLEMENT TO PETITION FOR ISSUANCE OF ORDER
TO SHOW CAUSE WHY CONSTRUCTION PERMIT SHOULD NOT BE REVOKED**

KKTV, Inc. ("KKTV"), by its undersigned counsel, files this Supplement to its March 2, 1993 Petition to Deny Application for Extension of Construction Permit and Supplement to Petition for Issuance of Order to Show Cause why Construction Permit should not be Revoked ("Petition to Deny"), stating as follows:

1. On March 23, 1993, the University of Southern Colorado (the "University"), licensee of KTSC(TV), filed a "Supplemental Statement" to its February 16, 1993 application for extension of the construction permit for its short-spaced facilities on Cheyenne Mountain. The University did not serve a copy of this Supplemental Statement on counsel for KKTV, despite the fact that KKTV previously had filed the March 2, 1993 Petition to Deny.

2. KKTV first learned of the University's March 23, 1993 Supplemental Statement when, on April 5, 1993, it received a copy of Central Wyoming University's Opposition to Joint Petition to Deny in File No. BPET-921210KE. KKTV is filing this Supplement as

soon as possible after receipt of the University's Supplemental Statement.

3. KKTv pointed out in both its March 2, 1993 Petition to Deny and in its March 22, 1993 Reply to the Joint Opposition of the University and Sangre de Cristo Communications, Inc. ("KOAA") to the March 2 Petition to Deny that, in the University's February 16 application for extension of its construction permit and in the Joint Opposition to KKTv's Petition to Deny of the University and KOAA, no effort was made to demonstrate that the University has met the criteria of Section 53.3534 of the Commission's Rules for an extension of a construction permit.

4. Section 53.3534 of the Commission's Rules limits extensions of construction permits to those narrow circumstances enumerated in Section 53.3534(b):

- a. construction is complete and testing is underway looking toward prompt filing of a license application;
- b. substantial progress has been made, i.e., equipment is on order or on hand, the site has been acquired, the site has been cleared and construction is proceeding toward completion; or
- c. no progress has been made for reasons clearly beyond the control of the permittee (such as delays caused by governmental budgetary pressure and zoning problems) but the permittee has taken all possible steps to expeditiously resolve the problem and proceed with construction.

5. Just after KKTv filed its March 22, 1993 Reply, the University filed its March 23, 1993 Supplemental Statement. This Supplemental Statement, although clearly intended to make a showing as to why the application for extension of construction permit

should be approved, actually demonstrates that none of the bases for extension of a construction permit set forth in Section 53.3534 is present in the instant case.

6. The University's Supplemental Statement merely asserts that:

a. in September, 1992, the University obtained an NTIA Public Telecommunications Facilities Program grant for \$386,007.00 to help finance the University's proposed transmitter relocation;

b. in May, 1990, the University "initiated a bid solicitation process for a new tower foundation and tower installation to facilitate placement of the new transmitting facility on Cheyenne Mountain;" six vendors responded with bids and the University spent "several months evaluating the bids;" and

c. from July, 1990 to November, 1991, the University conducted negotiations with a property owner on Cheyenne Mountain for a tower site lease; "[S]ince the University decided to pursue the channel swap with Sangre de Cristo Communications, Inc. ("SCC"), licensee of Station KOAA-TV, Pueblo, Colorado, such negotiations have been held in abeyance pending the outcome of the proposed rulemaking."

Supplementary Exhibit at 1 to 2.

7. None of these alleged "facts" comes close to meeting the requirements of Section 53.3534(b) for an extension of a construction permit. Indeed, the "facts" alleged by the University in its Supplemental Statement actually demonstrate that the University is not entitled to an extension of the construction permit.

The NTIA Funding

8. The University attempts to use the fact that, in September, 1991, it obtained an NTIA grant to help finance the proposed KTSC(TV) tower relocation. Thus, by its own admission,

the University is not using the unavailability of funds as an excuse for not building the facilities on Cheyenne Mountain within the time limits of the construction permit. Having mentioned the NTIA grant, the University then fails to explain why the University did not use the grant to build the new tower. Thus, the University clearly has not demonstrated that a lack of funding is a reason beyond its control explaining why the facilities have not been built. Indeed, the University implies that funding for construction was available. If that is the case, why were the Cheyenne Mountain facilities never built? The University never attempts to answer this important question.

Bid Solicitations

9. In its Supplemental Statement, the University describes a "bid solicitation" for a new tower foundation and tower installation to facilitate the placement of the proposed new transmitting facility on Cheyenne Mountain. However, the University does not claim that it solicited bids for new transmission equipment to be placed on Cheyenne Mountain. The University also has admitted that it never got beyond spending "several months" at some time after May, 1990 evaluating bids for the proposed new tower foundation and tower installation. This is hardly taking all possible steps to expeditiously resolve problems and proceed with construction, as required by Section 53.3534(b) of the Commission's Rules. And once again, the University is strangely silent as to exactly what were the reasons beyond its control that prevented construction. The

Supplemental Statement merely describes a construction planning process that mysteriously ground to a halt for no apparent reason.

Cheyenne Mountain Lease Negotiations

10. Finally, the University describes its negotiation process for a lease of a tower site on Cheyenne Mountain: "These negotiations continued from July, 1990 through November, 1991." According to the University, these negotiations have been held "in abeyance" pending the outcome of the proposed channel swap rulemaking.

11. Thus, the University now admits that it has done nothing to secure an antenna site since November, 1991. This is hardly taking all possible steps to expeditiously resolve impediments to construction and to proceed with construction, as required by Section 534.3534(b). And, once again, the University is silent as to what reasons beyond its control prevented the completion of construction.

12. The University's admission that negotiations for a tower site lease have not taken place since November, 1991, coupled with the admission that lease negotiations have been held "in abeyance" pending the outcome of the channel swap rulemaking also implies that the channel swap has been in the works since at least November, 1991. This means that nothing has been done with regard to an antenna site since November, 1991, in anticipation of an assignment of the construction permit to KOAA.

13. Thus, the anticipated channel swap is the real (and sole) reason why the University never got around to building its proposed

facilities on Cheyenne Mountain. The Commission has made it abundantly clear, however, that a proposed assignment of a construction permit is not a justification for extension of a construction permit. Community Service Telecasters, Inc., 6 FCC Rcd 6026, 69 RR2d 1608, 1612 (1991); Community Telecasters of Cleveland, Inc., 58 FCC2d 1296, 36 RR2d 1609 (1976).

Conclusion

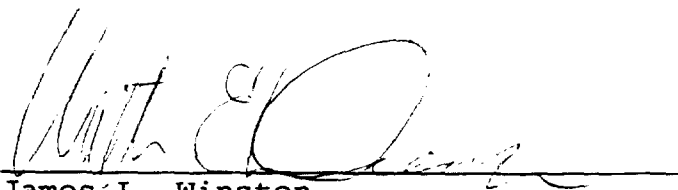
14. The reason why the University has failed to construct its facilities on Cheyenne Mountain within the two years required by the construction permit has never been admitted by the University. Even with the Supplemental Statement, the University has not provided the Commission with any plausible explanation for the University's failure to construct. All that is known is that a) in 1991 the University got over \$300,000 in NTIA grants to help fund construction, b) in 1990 the University started a bid solicitation process that the University failed to pursue for no apparent reason and c) in November 1991 the University suspended negotiations for a lease on a Cheyenne Mountain antenna site for unknown reasons (other than perhaps to pursue a channel swap with KOAA).

15. Nothing the University (or KOAA) has submitted to the Commission provides any basis under Section 53.3534(b) for an extension of the University's construction permit. Indeed, the submissions of the University and KOAA in this regard provide substantial evidence that the University does not qualify for an extension of the construction permit. Under the circumstances

presented in the University's application for extension of the construction permit, the only sound course for the Commission is to deny the application.

WHEREFORE, KKTU, Inc. respectfully moves the Commission to deny the University of Southern Colorado's Application for Extension of Construction Permit, or in the alternative, to grant KKTU's Motion for Order to Show Cause.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Winston", is written over a horizontal line.

James L. Winston
Walter E. Diercks
RUBIN, WINSTON, DIERCKS,
HARRIS & COOKE
Suite 412
1730 M Street, N.W.
Washington, D.C. 20036
202/861-0870

Counsel for KKTU, INC.

Dated: April 6, 1993

CERTIFICATE OF SERVICE

I, Zilpha S. Owens, a secretary in the law firm of Rubin, Winston, Diercks, Harris & Cooke, do hereby certify that a copy of the foregoing "SUPPLEMENT OF KKTU, INC. TO PETITION TO DENY APPLICATION OF THE UNIVERSITY OF SOUTHERN COLORADO FOR EXTENSION OF CONSTRUCTION PERMIT AND SUPPLEMENT TO PETITION FOR ISSUANCE OF ORDER TO SHOW CAUSE WHY CONSTRUCTION PERMIT SHOULD NOT BE REVOKED"

was served this 6th day of April, 1993 by first-class postage to the following:

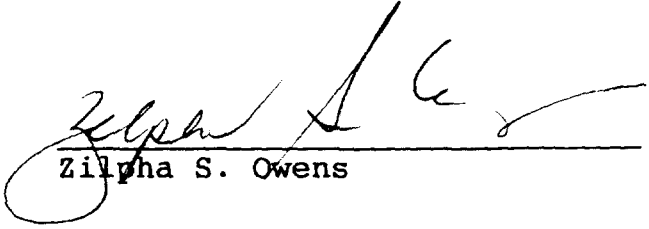
Barbara Kreisman
Chief, Video Services Division
Mass Media Bureau
Federal Communications Commission
Room 702
1919 M Street, N.W.
Washington, D.C. 20554

Stanley S. Neustadt, Esquire
Wayne Coy, Esquire
Cohn and Marks
Suite 600
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036
Counsel for University of Southern
Colorado

Kevin F. Reed, Esquire
Dow, Lohnes & Albertson
Suite 500
1255 23rd Street, N.W.
Washington, D.C. 20037-1194
Counsel for Sangre de Cristo
Communications, Inc.

Richard Hildreth, Esquire
Kathleen Victory, Esquire
Fletcher, Heald & Hildreth
1300 N. 1st Street
11th Floor
Roslyn, Virginia 22209
Counsel for Pikes Peak
Broadcasting Company

Jonathan D. Bake
William H. Fitz
Covington & Burling
1201 Pennsylvania Avenue
N.W., P.O. Box 7566
Washington, D.C. 20044
Counsel for Association
of Maximum Service
Telecaster, Inc.


Zilpha S. Owens

CERTIFICATE OF SERVICE

I, Zilpha S. Owens, a secretary in the law firm of Rubin, Winston, Diercks, Harris & Cooke, do hereby certify that a copy of the foregoing "Comments of KKTU, Inc." was mailed this 3rd day of September, 1993, first-class mail, postage prepaid to the following:

Barbara Kreisman
Chief, Video Services Division
Mass Media Bureau
Federal Communications Commission
Room 702
1919 M Street, N.W.
Washington, D.C. 20554

Roy J. Stewart
Chief, Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W.
Room 314
Washington, D.C. 20554

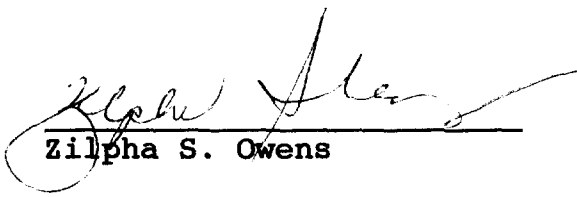
Clay Pendarvis
Chief, Television Branch
Federal Communications Commission
1919 M Street, N.W.
Room 700
Washington, D.C. 20554

Richard Hildreth, Esq.
Kathleen Victory, Esq.
FLETCHER, HEALD & HILDRETH
11th Floor
1300 North 17th Street
Roslyn, VA 22209

Kevin F. Reed, Esq.
Dow, Lohnes & Albertson
1255 23rd St., N. W.
Suite 500
Washington, D. C. 20037

Wayne Coy, Jr., Esq.
Cohn & Marks
1333 New Hampshire Ave.,
N. W., Suite 600
Washington, D. C. 20036

Jonathan D. Bake
William H. Fitz
Covington & Burling
1201 Pennsylvania Ave.,
N. W.
Washington, D. C. 20044


Zilpha S. Owens